

CONSERVATION COMMISSION
REGULAR MEETING SEPTEMBER 16, 2008

E. CURTIS AMBLER ROOM

These minutes are not verbatim, but represent a summary of major statements and comments. For minutes verbatim, refer to audiotape on file in the Office of the Town Clerk. Audiotapes are retained for the minimum period required under the retention schedule as provided under Connecticut Law.

Chairman Block called the roll call at 7:00 p.m. and noted Commissioners Byer, Igielski, Pappa, and Shaffer. Also present was Alternate Turgeon and Mr. Anthony Ferraro, Town Engineer.

NOTE: Chairman Block designated that Alternate Turgeon would vote for Commissioner Shapiro.

ITEM III
ACCEPTANCE OF MINUTES

Regular Meeting of August 19, 2008

Motion made by Commissioner Igielski to accept the minutes and was seconded by Commissioner Shaffer. There was no discussion. Vote was 5 yes, 0 no, 1 abstention (Byer) and the motion was carried.

ITEM IV
PUBLIC PARTICIPATION ON NON-AGENDA ITEMS: NONE

ITEM VA
Election of Officers (Commission Secretary)

No action was taken to fill the position.

It was the consensus of Commission members to carry the item over to the October meeting.

ITEM VB
PUBLIC HEARING-APPLICATION 2008-6 for Map Amendment for 549 Cedar Street

Mr. Patrick Haskell, ENSR, and representing the applicant, referred to a map on the wall and entered the following remarks into the record:

- A. The area of wetlands under discussion is located in the southwest corner of the property.

- B. The location of the wetland boundary limits from the Town Map was reviewed on the map on the wall.
- C. The location of the wetland boundary limits found by the soil scientist in the field was reviewed on the map on the wall.

Chairman Block asked how does the new wetland boundary limits (found by the soil scientist in the field) tie in with the beginning and end points to the existing wetland as shown on the Town Map? Mr. Haskell referring to the map on the wall responded they tie back in together at each point.

Mr. Anthony Ferraro, Town Engineer, referring to the report that was submitted with the application, noted that the location of the wetland flags set by the soil scientist in the field were picked up using GPS and were transferred onto the map (on the wall) before the Commission tonight. The error of location of the flags on the map could be plus or minus six (6) feet.

Chairman Block asked if the margin of error complied with our standards? Mr. Anthony Ferraro responded there are no set of standards to include our Regulations. He noted the point being made is that the flag locations were not picked up by a land surveyor.

Commission Papa asked what was the concern of staff? Mr. Ferraro responded the normal practice would be for a land surveyor or engineer to transfer the field location of the wetland flags onto the map.

Chairman Block asked how many flag points were involved? Mr. Haskell responded about fifty (50).

Chairman Block asked if the flag locations could be better tied into the actual ground location where the actual test pit work would be done? Mr. Haskell responded the accuracy of the flag locations could be reduced to plus or minus one (1) meter. This level of accuracy was acceptable to the Commission.

Commissioner Igielski noted that to complete the record of the public hearing, the name of the newspaper and the dates when the legal notice appeared in the newspaper should be entered into the record.

Commission went into recess at 7:20 p.m.

Commission came out of recess at 7:22 p.m.

Chairman Block noted that the legal notice appeared in the Hartford Courant on August 26, 2008.

Commissioner Igielski noted that the Regulations require that the legal notice must appear two (2) times and within time limits as noted in the Regulations. He noted that the public hearing could not be closed tonight.

Motion made by Commissioner Igielski to keep the public hearing open on Application 2008-6 and that the item to be carried over to the October 21, 2008 meeting. Motion seconded by Commissioner Shaffer. There was no discussion. Vote was 6 yes, 0 no and the motion was carried.

Commissioner Pappa asked if carrying the public hearing over to next month's meeting would stop the applicant from proceeding with their work? Mr. Haskell responded that any delay in the start of work (in early October) would cause a problem.

Mr. Ferrara stated that this matter could be discussed by the Commission on a related item on the agenda.

Commissioner Byer asked why is it necessary to change the map? Commissioner Pappa responded the applicant has found the actual wetland limits to be different from the Town Map.

ITEM VI A

APPLICATION 2008-6 for Map Amendment for 549 Cedar Street

Chairman Block noted that the public hearing held on the subject application earlier in the evening was not closed (because there was a violation of the Regulations relative to the publication of the legal notice).

Motion made by Commissioner Byer to keep the public hearing open and to carry the item over to the October meeting and was seconded by Alternate Turgeon. There was no discussion. Vote was 6 yes, 0 no and the motion was carried.

ITEM VI B

APPLICATION 2008-7 for Test Pitting Investigation at 549 Cedar Street

Mr. Block asked if the Commission could act on the application (tonight) and allow the work to move forward? Mr. Ferraro responded the Commission could allow the work to proceed in the wetland (per the Town Map because the map change would not have been approved) if it was the consensus of the Commission.

Chairman Block asked if the test pit locations were within the limits of the wetland? Mr. Haskell responded yes by the Town Map.

Commissioner Igielski noted that this application would have to be amended to reflect that the activity (excavation of test pits) would occur within the wetland limits as reflected by the Town Map. The Town Map would be amended by Application 2008-6, which would reflect

that activity would occur within the upland review area per the findings of the soil scientist in the field.

Chairman Block asked if the application was complete? Mr. Ferraro responded yes.

Motion made by Commissioner Igielski that based on the information before it, the Commission make a finding of fact that a public hearing is not necessary for Application 2008-7 because the proposed activities would not have a major impact or significant effect on the regulated areas. Motion seconded by Commissioner Shaffer. There was no discussion. Vote was 6 yes, 0 no and the motion was carried.

Mr. Ferraro passed out a list of suggested conditions for consideration by Commission members. There was a general review and discussion by Commission members.

Commissioner Igielski requested that a condition be added requiring that the applicant submit a letter stating that the application be changed to reflect that the activity (excavation of test pits) would be based on the wetland boundary limits as shown on the existing Town Map.

Motion made by Commissioner Igielski to grant a permit by Summary Ruling for Application 2008-7 and subject to conditions. Motion was seconded by Commissioner Shaffer. There was no discussion. Vote was 6 yes, 0 no and motion was carried.

NOTE: Refer to audio tape or "Official Notification of Action" for conditions of the permit.

ITEM VI C

Draft Application Form

Chairman Block noted that the agenda package included a new front page form sheet for the permit application package.

Commissioner Pappa said the new front page form sheet looks good. He recommended that under the PROJECT section (of the new front page form sheet for permit application package), "Other" be added to the description of the proposed activity.

Motion made by Commissioner Pappa that the Commission accept the new front page form sheet (for the permit application package) with the addition of "Other" to the PROJECT section that describes the proposed activity. Motion was seconded by Alternate Turgeon. There was no discussion. Vote was 6 yes, 0 no and the motion was carried.

ITEM VII

PUBLIC PARTICIPATION ON NON-AGENDA ITEMS: NONE

ITEM VIII

COMMUNICATIONS AND REPORTS

- A. Mr. Ferraro noted that he had received a free voucher from DEP for Segment III of the Commissioner's Training Program.

- B. Commissioner Pappa noted the MDC will be sponsoring a river bank clean up of the Connecticut River. The activity would be a volunteer effort and involve giving a Saturday morning.

Motion made by Alternate Tuegeon to adjourn meeting at 8:00 p.m. and was seconded by Commissioner Byer. There was no discussion. Vote was 6 yes, 0 no and motion was carried.

Peter M. Arburr, Recording Secretary

Commission Members

Tayna Lane, Town Clerk

Town Manager John Salamone

Edmund Meehan, Town Planner

Councilor Myra Cohen

Chairperson, Town Plan and Zoning Commission

Anthony Ferraro, Town Engineer

Ben Ancona Jr., Esquire, Town Attorney

Lucy Robbins Wells Library (2)